

PROOF

STATE OF IOWA

House Journal

MONDAY, MARCH 15, 2004

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JOURNAL OF THE HOUSE

Sixty-fourth Calendar Day - Forty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 15, 2004

The House met pursuant to adjournment at 1:00 p.m., Speaker Rants in the chair.

Prayer was offered by Reverend Dan French, pastor of the Davis Street Christian Church, Ottumwa. He was the guest of Representative Mary Gaskill from Wapello County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mitch Dunn, Sandy Dunn, Michelle Sweeney, Pat Sweeney and John Toal from the Vietnam Veterans Association of America, Fort Dodge Chapter #861. They were the guests of Representative Helen Miller from Webster County whom is also a member.

The Journal of Friday, March 12, 2004 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

De Boef of Keokuk on request of Gipp of Winneshiek; Greiner of Washington, until her arrival, on request of Gipp of Winneshiek; Roberts of Carroll, until his arrival, on request of Gipp of Winneshiek; Wise of Lee on request of Murphy of Dubuque.

On motion by Gipp of Winneshiek, the House was recessed at 1:09 p.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:21 p.m., Speaker pro tempore Carroll in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

S. Olson of Clinton on request of Gipp of Winneshiek.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-eight members present, twenty-two absent.

SENATE MESSAGE CONSIDERED

[Senate File 2175](#), by committee on business and labor relations, a bill for an act relating to the provision of workers' compensation benefits, to the release of information concerning such benefits, and to workers' compensation liability insurance.

Read first time and referred to committee on **commerce, regulation and labor**.

CONSIDERATION OF BILLS

Regular Calendar

[House File 2055](#), a bill for an act providing for the establishment of a commission on the status of Iowans of Asian and Pacific Islander heritage within the department of human rights, with report of committee recommending passage, was taken up for consideration.

Jacobs of Polk offered amendment [H-8218](#) filed by her as follows:

[H-8218](#)

- 1 Amend [House File 2055](#) as follows:
- 2 1. Page 4, by striking lines 2 through 5, and
- 3 inserting the following:
- 4 "2. Accept gifts, grants, devises, or bequests of
- 5 real or personal property from the federal government
- 6 or any other source for the use and purposes of the
- 7 commission. Notwithstanding sections 8.33 and 12C.7,
- 8 the interest accrued from moneys received under this
- 9 subsection shall not revert to the general fund of the
- 10 state, but shall remain available for expenditure by
- 11 the commission."

Jacobs of Polk offered the following amendment [H-8239](#), to amendment [H-8218](#), filed by her from the floor and moved its adoption:

H-8239

1 Amend the amendment, H-8218, to House File 2055, as
 2 follows:
 3 1. Page 1, by inserting after line 11 the
 4 following:
 5 "____. Page 4, line 8, by striking the word
 6 "shall" and inserting the following: "may".
 7 ____ Page 4, line 9, by striking the word "shall"
 8 and inserting the following: "may".
 9 ____ Page 4, line 11, by striking the word
 10 "shall" and inserting the following: "may"."

Amendment H-8239 was adopted.

On motion by Jacobs of Polk amendment H-8218, as amended,
 was adopted.

SENATE FILE 2188 SUBSTITUTED FOR HOUSE FILE 2055

Jacobs of Polk asked and received unanimous consent to substitute
Senate File 2188 for House File 2055.

Senate File 2188, a bill for an act providing for the establishment
 of a commission on the status of Iowans of Asian and Pacific Islander
 heritage within the department of human rights, was taken up for
 consideration.

Jacobs of Polk moved that the bill be read a last time now and
 placed upon its passage which motion prevailed and the bill was read
 a last time.

On the question "Shall the bill pass?" (S.F. 2188)

The ayes were, 93:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boggess	Bukta
Chambers	Cohoon	Connors	Dandekar
Davitt	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones

Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Sands	Schickel
Shomshor	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Wilderdyke	Winckler
Carroll, Presiding			

The nays were, 1:

Boddicker

Absent or not voting, 6:

De Boef	Fallon	Olson, S.	Roberts
Whitead	Wise		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2352, a bill for an act relating to the appointment of illegal dumping enforcement officers and providing a penalty, was taken up for consideration.

Wilderdyke of Harrison offered the following amendment **H-8200** filed by him and moved its adoption:

H-8200

- 1 Amend **House File 2352** as follows:
- 2 1. Page 1, line 26, by inserting after the word
- 3 "city," the following: "and any private property with
- 4 the permission of the landowner".

Amendment **H-8200** was adopted.

Wilderdyke of Harrison moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (**H.F. 2352**)

The ayes were, 94:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Chambers	Cohon	Connors
Dandekar	Davitt	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shomshor	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Wilderdyke
Winckler	Carroll, Presiding		

The nays were, none.

Absent or not voting, 6:

De Boef	Fallon	Olson, S.	Roberts
Whitead	Wise		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2053 WITHDRAWN

Wilderdyke of Harrison asked and received unanimous consent to withdraw House File 2053 from further consideration by the House.

House File 2435, a bill for an act relating to immunity from third-party liability for claims resulting from contaminated property, was taken up for consideration.

Sands of Louisa offered the following amendment [H-8179](#) filed by him and moved its adoption:

[H-8179](#)

1 Amend [House File 2435](#) as follows:
 2 1. Page 1, by inserting after line 14 the
 3 following:
 4 "5A. "Response action" means any action taken to
 5 reduce, minimize, eliminate, clean up, control,
 6 assess, or monitor a release of hazardous substances,
 7 hazardous waste, or regulated substances to protect
 8 the public health, safety, or the environment."
 9 2. Page 2, by inserting after line 32 the
 10 following:
 11 "Sec. ____ NEW SECTION. 455B.754 LEGAL
 12 RESPONSIBILITY.
 13 This division shall not be interpreted to affect
 14 the legal responsibility to the state to conduct
 15 response actions under any applicable state law.
 16 Sec. ____ EFFECTIVE DATE. This Act, being deemed
 17 of immediate importance, takes effect upon enactment."
 18 3. Title page, line 2, by inserting after the
 19 word "property" the following: "and providing an
 20 effective date".

Amendment [H-8179](#) was adopted.

[SENATE FILE 2230](#) SUBSTITUTED FOR [HOUSE FILE 2435](#)

Sands of Louisa asked and received unanimous consent to substitute [Senate File 2230](#) for [House File 2435](#).

[Senate File 2230](#), a bill for an act relating to immunity from third-party liability for claims resulting from contaminated property and providing an effective date, was taken up for consideration.

Sands of Louisa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 2230](#))

The ayes were, 94:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess

Bukta	Chambers	Cphoon	Connors
Dandekar	Davitt	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shomshor	Shultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Wilderdyke
Winckler	Carroll, Presiding		

The nays were, none.

Absent or not voting, 6:

De Boef	Fallon	Olson, S.	Roberts
Whitead	Wise		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2443, a bill for an act relating to child endangerment offenses resulting in the death of a child or minor and providing a penalty, was taken up for consideration.

SENATE FILE 2166 SUBSTITUTED FOR **HOUSE FILE 2443**

Hutter of Scott asked and received unanimous consent to substitute **Senate File 2166** for **House File 2443**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Fallon of Polk on request of Murphy of Dubuque; Whitead of Woodbury on request of Murphy of Dubuque.

Senate File 2166, a bill for an act relating to child endangerment offenses resulting in the death of a child or minor and providing a penalty, was taken up for consideration.

Hutter of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 2166](#))

The ayes were, 94:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shomshor	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Wildurdyke
Winckler	Carroll, Presiding		

The nays were, none.

Absent or not voting, 6:

De Boef	Fallon	Olson, S.	Roberts
Whitead	Wise		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2444, a bill for an act relating to disclosure requirements for the transfer of ownership of a motor vehicle and providing penalties, was taken up for consideration.

Dolecheck of Ringgold offered the following amendment **H-8202** filed by him and McCarthy of Polk and moved its adoption:

H-8202

- 1 Amend **House File 2444** as follows:
- 2 1. Page 4, line 33, by striking the word "five"
- 3 and inserting the following: "seven".

Amendment **H-8202** was adopted.

Raecker of Polk asked and received unanimous consent to withdraw amendment **H-8211** filed by him and Huser of Polk on March 9, 2004.

SENATE FILE 2253 SUBSTITUTED FOR **HOUSE FILE 2444**

Dolecheck of Ringgold asked and received unanimous consent to substitute **Senate File 2253** for **House File 2444**.

Senate File 2253, a bill for an act relating to disclosure requirements for the transfer of ownership of a motor vehicle and providing penalties, was taken up for consideration.

Dolecheck of Ringgold moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (**S.F. 2253**)

The ayes were, 89:

Alons	Arnold	Bell	Berry
Boal	Boddicker	Boggess	Bukta
Chambers	Cohoon	Connors	Dandekar
Davitt	Dennis	Dix	Dolecheck
Eichhorn	Elgin	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser

Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Reasoner	Sands	Schickel
Shomshor	Shultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Wilderdyke	Winckler
Carroll, Presiding			

The nays were, 4:

Baudler	Drake	Heaton	Rayhons
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Absent or not voting, 6:

De Boef	Fallon	Olson, S.	Roberts
Whitead	Wise		

Under the provision of Rule 76, conflict of interest, Lykam of Scott refrained from voting.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: [House File 2352](#) and [Senate Files 2166, 2188, 2230 and 2253](#)

[House File 2457](#), a bill for an act relating to the Iowa probate code, including provisions relating to estate recovery of medical assistance benefits, the power to disclaim property interests, and trusts, was taken up for consideration.

Kramer of Polk offered the following amendment [H-8206](#) filed by him and moved its adoption:

[H-8206](#)

- 1 Amend [House File 2457](#) as follows:
- 2 1. Page 11, line 15, by striking the word
- 3 "country" and inserting the following: "county".

Amendment [H-8206](#) was adopted.

[SENATE FILE 2167](#) SUBSTITUTED FOR [HOUSE FILE 2457](#)

Kramer of Polk asked and received unanimous consent to substitute [Senate File 2167](#) for [House File 2457](#).

[Senate File 2167](#), a bill for an act relating to the Iowa probate code, including provisions relating to estate recovery of medical assistance benefits, the power to disclaim property interests, and trusts, was taken up for consideration.

Kramer of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 2167](#))

The ayes were, 94:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cphoon	Connors
Dandekar	Davitt	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shomshor	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.

Watts Winckler	Wendt Carroll, Presiding	Whitaker	Wilderdyke
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The nays were, none.

Absent or not voting, 6:

De Boef Whitead	Fallon Wise	Olson, S.	Roberts
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

[House File 2462](#), a bill for an act directing the department of human services to implement child welfare diversion and mediation pilot projects, was taken up for consideration.

Heaton of Henry offered the following amendment [H-8230](#) filed by him and moved its adoption:

[H-8230](#)

- 1 Amend [House File 2462](#) as follows:
- 2 1. Page 1, line 2, by striking the word "five"
- 3 and inserting the following: "one".

Amendment [H-8230](#) was adopted.

Boddicker of Cedar moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 2462](#))

The ayes were, 94:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter

Jacobs	Jacoby	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shomshor	Shultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Wilderdyke
Winckler	Carroll, Presiding		

The nays were, none.

Absent or not voting, 6:

De Boef	Fallon	Olson, S.	Roberts
Whitead	Wise		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2203 WITHDRAWN

Boddicker of Adair asked and received unanimous consent to withdraw House File 2203 from further consideration by the House.

House File 2488, a bill for an act conferring additional enforcement authority on the real estate commission, and providing penalties, was taken up for consideration.

Kurtenbach of Story offered the following amendment H-8216 filed by him and moved its adoption:

H-8216

- 1 Amend House File 2488 as follows:
- 2 1. Page 2, line 9, by inserting after the word
- 3 "fees" the following: ", unless the person suspected
- 4 of violating a provision of section 543B.1 prevails in
- 5 any application for permanent injunctive relief".

Amendment H-8216 was adopted.

SENATE FILE 2189 SUBSTITUTED FOR HOUSE FILE 2488

Kurtenbach of Story asked and received unanimous consent to substitute Senate File 2189 for House File 2488.

[Senate File 2189](#), a bill for an act conferring additional enforcement authority on the real estate commission, and providing penalties, was taken up for consideration.

Kurtenbach of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 2189](#))

The ayes were, 91:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Chambers	Cohon	Connors
Dandekar	Davitt	Dennis	Dix
Dolecheck	Drake	Elgin	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hanson	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Jacobs	Jacoby	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Sands	Schickel	Shomshor	Shultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Wilderdyke	Winckler	Carroll, Presiding	

The nays were, 3:

Eichhorn	Heaton	Hutter
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Absent or not voting, 6:

De Boef	Fallon	Olson, S.	Roberts
Whitead	Wise		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: [House File 2462](#) and [Senate Files 2167 and 2189](#).

[House File 2483](#), a bill for an act relating to temporary rate authority and rules of the Iowa utilities board regarding rate regulation proceedings, was taken up for consideration.

[SENATE FILE 2240](#) SUBSTITUTED FOR [HOUSE FILE 2483](#)

Jenkins of Black Hawk asked and received unanimous consent to substitute [Senate File 2240](#) for [House File 2483](#).

[Senate File 2240](#), a bill for an act relating to temporary rate authority and rules of the Iowa utilities board regarding rate regulation proceedings, was taken up for consideration.

Jenkins of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 2240](#))

The ayes were, 91:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Chambers	Cphoon	Connors
Dandekar	Davitt	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Foege	Ford	Freeman	Frevert
Gipp	Granzow	Greimann	Greiner
Hahn	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Sands	Schickel
Shomshor	Shoultz	Smith	Stevens

Struyk	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wilderdike	Winckler	Carroll, Presiding	

The nays were, 3:

Gaskill	Swaim	Whitaker
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Absent or not voting, 6:

De Boef	Fallon	Olson, S.	Roberts
Whitead	Wise		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

[House File 2493](#), a bill for an act relating to regulation of sales at unused property markets and providing penalties, was taken up for consideration.

Chambers of O'Brien moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 2493](#))

The ayes were, 93:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Sands	Schickel
Shomshor	Shoultz	Smith	Stevens

Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Wilderdyke	Winckler
Carroll, Presiding			

The nays were, 1:

Hunter

Absent or not voting, 6:

De Boef	Fallon	Olson, S.	Roberts
Whitead	Wise		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2494, a bill for an act providing penalties for specified liquor control violations involving a retail liquor control license, wine permit, or beer permit, was taken up for consideration.

Sands of Louisa offered the following amendment **H-8208** filed by him and moved its adoption:

H-8208

1 Amend **House File 2494** as follows:
 2 1. Page 1, by striking lines 21 through 29, and
 3 inserting the following:
 4 "d. A fourth violation within three years shall
 5 result in revocation of the license or permit.
 6 e. For purposes of this subsection:
 7 (1) The date of any violation shall be used in
 8 determining the period between violations.
 9 (2) Suspension shall be limited to the specific
 10 license or permit for the premises found in violation.
 11 (3) Notwithstanding section 123.40, revocation
 12 shall be limited to the specific license or permit
 13 found in violation and shall not disqualify a licensee
 14 or permittee from holding a license or permit at a
 15 separate location."

Amendment **H-8208** was adopted.

SENATE FILE 2261 SUBSTITUTED FOR HOUSE FILE 2494

Sands of Louisa asked and received unanimous consent to substitute Senate File 2261 for House File 2494.

Senate File 2261, a bill for an act providing penalties for specified liquor control violations involving a retail liquor control license, wine permit, or beer permit, was taken up for consideration.

Sands of Louisa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2261)

The ayes were, 92:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Chambers	Cohon	Connors
Dandekar	Davitt	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Sands	Schickel
Shomshor	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Wilderdyke	Winckler	Carroll, Presiding

The nays were, none.

Absent or not voting, 7:

De Boef	Fallon	Olson, S.	Roberts
Shoultz	Whitead	Wise	

Under the provision of Rule 76, conflict of interest, Heaton of Henry refrained from voting.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: [House File 2493](#) and [Senate Files 2240](#) and [2261](#).

[House File 2505](#), a bill for an act providing for the selling of alcoholic beverages, wine, or beer on credit by a convention center, civic center, or events center under specified circumstances, was taken up for consideration.

Jenkins of Black Hawk offered the following amendment [H-8221](#) filed by him and moved its adoption:

[H-8221](#)

- 1 Amend [House File 2505](#) as follows:
- 2 1. Page 1, by striking lines 5 through 8 and
- 3 inserting the following: "provision does not apply to
- 4 sales by a club to its members, ~~nor~~ to sales by a
- 5 hotel or motel to bona fide registered guests, ~~nor to~~
- 6 retail sales by the managing entity of a convention
- 7 center, civic center, or events center."

Amendment [H-8221](#) was adopted.

Jenkins of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 2505](#))

The ayes were, 80:

Bell	Berry	Boal	Boddicker
Boggess	Bukta	Chambers	Cphoon
Connors	Dandekar	Davitt	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Foege	Ford	Freeman

Frevert	Gaskill	Gipp	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Horbach	Hunter
Huseman	Huser	Jacobs	Jacoby
Jenkins	Jochum	Jones	Klemme
Kramer	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Reasoner	Sands	Schickel	Shomshor
Shoultz	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tymeson
Upmeyer	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wilderdyke	Winckler	Carroll, Presiding

The nays were, 13:

Alons	Arnold	Baudler	Granzow
Hogg	Hutter	Kuhn	Lalk
Rayhons	Smith	Tjepkes	Van Engelenhoven
Whitaker			

Absent or not voting, 7:

De Boef	Fallon	Kurtenbach	Olson, S.
Roberts	Whitead	Wise	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Appropriations Calendar

Senate File 2059, a bill for an act relating to and making appropriations of birth certificate fees for the birth defects registry and child abuse prevention programs, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Upmeyer of Hancock moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (**S.F. 2059**)

The ayes were, 94:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shomshor	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Wildurdyke
Winckler	Carroll, Presiding		

The nays were, none.

Absent or not voting, 6:

De Boef	Fallon	Olson, S.	Roberts
Whitead	Wise		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Regular Calendar

Senate File 2070, a bill for an act relating to duties and activities of the state department of transportation, including the registration and titling of motor vehicles, regulation of electric personal assistive mobility devices, and issuance of commercial driver's licenses, and providing effective dates, with report of committee recommending passage, was taken up for consideration.

Huser of Polk offered the following amendment [H-8237](#) filed by her and moved its adoption:

[H-8237](#)

- 1 Amend [Senate File 2070](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, line 9, by striking the words "and
- 4 time".
- 5 2. Page 7, line 13, by striking the words "and
- 6 time".
- 7 3. Page 10, line 33, by striking the words "and
- 8 time".
- 9 4. Page 10, line 34, by inserting after the word
- 10 "application," the following: "If the delivery is by
- 11 electronic means and the time is electronically
- 12 recorded on the application along with the date, the
- 13 time shall be included with the date on all subsequent
- 14 documents and records where the date of perfection is
- 15 required under this chapter."
- 16 5. Page 11, line 26, by striking the words "and
- 17 time".
- 18 6. Page 11, line 29, by striking the words "and
- 19 time".
- 20 7. Page 11, line 34, by striking the words "and
- 21 time".
- 22 8. Page 12, line 3, by striking the words "and
- 23 time".

Amendment [H-8237](#) was adopted.

Huser of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 2070](#))

The ayes were, 94:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter

Jacobs	Jacoby	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shomshor	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Wilderdyke
Winckler	Carroll, Presiding		

The nays were, none.

Absent or not voting, 6:

De Boef	Fallon	Olson, S.	Roberts
Whitead	Wise		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Appropriations Calendar

Senate File 2112, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the road use tax fund, the primary road fund, and the keep Iowa beautiful fund, and providing for the nonreversion of certain moneys, with report of committee recommending passage, was taken up for consideration.

D. Olson of Boone asked and received unanimous consent to withdraw amendment **H-8236** filed by him on March 12, 2004.

Huseman of Cherokee moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (**S.F. 2112**)

The ayes were, 93:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Sands	Schickel
Shomshor	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Wilderdyke	Winckler
Carroll, Presiding			

The nays were, 1:

Hogg

Absent or not voting, 6:

De Boef	Fallon	Olson, S.	Roberts
Whitead	Wise		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

INTRODUCTION OF BILL

House File 2540, by Gipp, a bill for an act relating to economic development incentives under the new jobs and income program, the new capital investment program, and the enterprise zone program and providing an effective date.

Read first time and referred to committee on **economic growth**.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: [House File 2505](#) and [Senate Files 2059, 2070 and 2112](#).

[HOUSE FILE 2330](#) WITHDRAWN

Jenkins of Black Hawk asked and received unanimous consent to withdraw [House File 2330](#) from further consideration by the House.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 15, 2004, passed the following bill in which the concurrence of the Senate was asked:

[House File 2133](#), a bill for an act requiring the lottery authority to submit budget information to the legislature.

Also: That the Senate has on March 15, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

[House File 2150](#), a bill for an act establishing a child endangerment offense for permitting the presence of a child or minor at a location where a controlled substance manufacturing or product possession violation occurs and providing a penalty.

Also: That the Senate has on March 15, 2004, passed the following bill in which the concurrence of the Senate was asked:

[House File 2176](#), a bill for an act relating to abandonment of a child as grounds for termination of parental rights.

Also: That the Senate has on March 15, 2004, passed the following bill in which the concurrence of the Senate was asked:

[House File 2306](#), a bill for an act relating to fees charged for delayed redemption of electronic gift cards.

Also: That the Senate has on March 15, 2004, passed the following bill in which the concurrence of the Senate was asked:

[House File 2343](#), a bill for an act providing for the establishment of a vaccination program for first responders, and providing an immediate effective date.

Also: That the Senate has on March 15, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

[House File 2399](#), a bill for an act allowing a modified criminal penalty for certain thefts within a seventy-two-hour time period.

Also: That the Senate has on March 15, 2004, amended and passed the following bill in which the concurrence of the House is asked:

[Senate File 2278](#), a bill for an act creating medical parole for certain persons committed to the custody of the department of corrections.

MICHAEL E. MARSHALL, Secretary

RULE 57 SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a meeting of the committee on economic development and the committee on ways and means Tuesday, March 16, 2004 at 8:00 a.m. to consider [House File 2540](#).

[HOUSE FILE 2487](#) REFERRED

The Speaker announced that [House File 2487](#), previously placed on **calendar** was referred to committee on **ways and means**.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on, March 11, 2004. Had I been present, I would have voted "aye" on House Files 511, 2145, 2383, 2452, 2467, 2476, 2480, 2481, 2490, 2496, 2497 and 2538 and "nay" on [House File 2468](#).

BUKTA of Clinton

I was necessarily absent from the House chamber on March 11, 2004. Had I been present, I would have voted "aye" on House Files 511, 2145, 2383, 2452, 2467, 2476, 2480, 2481, 2490, 2496, 2497 and 2538 and "nay" on [House File 2468](#).

OSTERHAUS of Jackson

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- 2004\717 Hazel Venenga, Cedar Falls – For celebrating her 90th birthday.
- 2004\718 Virginia and Don Bistline, Brandon – For celebrating their 50th wedding anniversary.
- 2004\719 Lillian McNulty, Newhall – For celebrating her 90th birthday.
- 2004\720 Iva Ondler, Vinton – For celebrating her 90th birthday.
- 2004\721 Leona Mease, Van Horne – For celebrating her 100th birthday.
- 2004\722 Neva Hardy, Independence – For celebrating her 80th birthday.
- 2004\723 Art Kitner, Independence – For celebrating his 85th birthday.
- 2004\724 Jim Davidson, Winthrop – For celebrating his 85th birthday.
- 2004\725 Stephanie Aguero, Muscatine – For being named to the Iowa Basketball Coaches Association 11th annual Academic All-State Team.
- 2004\726 Tony and Betty Callahan, Dubuque – For celebrating their 50th wedding anniversary.
- 2004\727 Earl and Jean Hayes, Dubuque – For celebrating their 50th wedding anniversary.
- 2004\728 Margaret DuMond, Waterloo – For celebrating her 90th birthday.
- 2004\729 Lillian Wetterling, Mason City – For celebrating her 91st birthday.
- 2004\730 Cletus Fandel, Mason City – For celebrating his 85th birthday.

SUBCOMMITTEE ASSIGNMENTS**[House File 2448](#)**

Ways and Means: Kurtenbach, Chair; Oldson and Sands.

[House File 2509](#)

Ways and Means: Huser, Chair; Jones and Lukan.

[Senate File 2149](#)

State Government: Raecker, Chair; Gaskill, Jochum, Jones, Lykam, Rasmussen and Roberts.

[Senate File 2239](#)

State Government: Greiner, Chair; Hutter, Manternach, Mascher and Whitead.

[Senate File 2272](#)

Public Safety: Eichhorn, Chair; Hogg and Van Fossen, J.R.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

[H.S.B. 718](#) **Ways and Means**

Relating to property taxation by establishing a maximum property tax dollars limitation for counties and cities, repealing the square footage tax, and creating a state tax implementation committee to study local and state sources of revenue, and including effective and applicability date provisions.

AMENDMENTS FILED

<u>H-8238</u>	<u>H.F. 2357</u>	Frevert of Palo Alto
<u>H-8240</u>	<u>H.F. 22</u>	Stevens of Dickinson
<u>H-8241</u>	<u>H.F. 2470</u>	Petersen of Polk
<u>H-8242</u>	<u>H.F. 2399</u>	Senate Amendment
<u>H-8243</u>	<u>H.F. 2470</u>	Osterhaus of Jackson
<u>H-8244</u>	<u>H.F. 2484</u>	Jenkins of Black Hawk
	Sands of Louisa	Van Fossen, J.K. of Scott
	Struyk of Pottawattamie	Quirk of Chickasaw
<u>H-8245</u>	<u>H.F. 2150</u>	Senate Amendment

On motion by Gipp of Winneshiek the House adjourned at 6:33 p.m., until 8:45 a.m., Tuesday, March 16, 2004.